

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner and her three children, who were homeless and had only \$236 per month in child support income, were granted ANFC on November 9, 1999 and, in addition, received emergency assistance from the Department of Social Welfare to pay for temporary housing in a motel. The family received no Food Stamps that month because they had already received an allotment from the New Hampshire Department of Social Welfare. The Department continued to pay for the motel for the next several weeks from the emergency assistance program. Because the Department was paying for the petitioner's housing from another program, the petitioner's

ANFC grant for November and the grant paid on December 1, 1999, contained no housing expense component. The petitioner was granted Food Stamps in December of \$322 per month based on an excess shelter and utility deduction \$275 per month, the maximum allowed.

2. After thirty days, when the maximum number of days had run out for paying the motel through the temporary housing program, the Department granted her one extra day on the emergency funds and told the petitioner at that point (December 8, 1999) she had to assume the cost of the motel herself (\$817 per month). Her grant was adjusted to add in the maximum shelter allowance of \$375 through the ANFC program for the remainder of the month. She was also allowed an extra \$90 "special needs" amount in the basic need portion of her grant because of her high monthly housing expense at the motel.

3. The Department heard nothing further from the petitioner for about two weeks. On December 17, 1999, her worker sent an inquiry to her about her living situation.

4. On December 20, 1999, the petitioner found an apartment and the next day asked the Department for financial assistance to secure it. That request was granted and the Department obtained information about her new housing

expenses. The new apartment, which was federally subsidized, gave the petitioner a monthly credit of \$30 as a "utility allowance" and required her to actually pay over \$151 as rent for the heated apartment.

5. On December 22, 1999, the Department notified the petitioner that on January 1, 2000, her ANFC would decrease from \$753 per month to \$676 (before deduction of her child support) due to her now reduced housing costs which resulted in the elimination of the \$90 special needs grant. Also the receipt of the utility allowance was treated as \$30 in unearned income to her. She was also notified that her Food Stamp benefits would decrease from \$322 to \$264 because her allowed excess shelter and utility costs went down from \$275 per month to \$4.00 per month based on the costs of her new apartment.

6. It is not clear when the petitioner actually moved out of the motel. The petitioner's belongings were in a storage unit from November 1999 through January 2000 for which she paid \$74 per month. The petitioner borrowed a recreational vehicle from a friend to use to move to her new apartment (about 50 miles distant from the motel) and incurred some \$200 in electrical expenses while using the RV. She needed to keep the storage unit for about a month beyond the

date she rented the apartment because she was unable to move all of her furniture at once. The petitioner believes that she should have received more consideration for these additional housing expenses for both ANFC and Food Stamps during December of 1999 and January of 2000.

ORDER

The decision of the Department is affirmed.

REASONS

ANFC eligibility payments are generally calculated by adding together a standardized "basic need" amount to a "housing allowance" amount. W.A.M. 2244. The "basic need" amount reflects all expenses, including utility and fuel charges, and is based on household size. The "housing allowance" is based on actual expenses and is capped at \$375 per month.¹ WAM 2245.3.

The "basic need" amount for a family of four is \$970 per month. WAM 2245.2. The "housing allowance" covers housing expenses that are actually incurred by the recipient which are defined as rental (for a house, apartment or lot) and mortgage

¹ Chittenden County has a higher housing allowance, \$450 per month. The petitioner in this matter lived in Rutland and Windsor counties.

payments, real estate taxes, and house maintenance and repairs. WAM 2245.3. A recipient can get any of these expenses paid up to the \$375 per month cap but will receive no "housing allowance" if someone else is providing the housing at no cost to the recipient. WAM 2245.3. In addition, the regulations provide for a "special needs allowance" for persons who have actual housing expenses in excess of the applicable maximum monthly housing allowance up to a maximum of \$90. WAM 2245.23(6). All of these needs are subject to a "ratable reduction" based on the Department's ability to fund the total needs. The payment standard is currently at 52.5% of the total need.

Calculation sheets provided by the Department show that the petitioner was allowed \$970 per month for her "basic needs", in November of 1999 but received no "housing allowance" because the Department was paying her motel expenses from another program. The same calculation was used for the beginning of December 1999 when the Department was still paying for the motel. These calculations are correct under the above regulation because the recipient cannot receive a housing allowance when someone else (in this case the Department) is paying her housing expenses. Any expense that the petitioner incurred for renting a storage space

during this time period cannot be provided because it is not included in the definition of housing expense set out above which restricts rental amounts to those paid for houses, apartments and lots.

When the Department stopped paying for the petitioner's motel on December 8, 1999, her grant was adjusted by adding in the maximum \$375 "housing allowance". She was also given a "special needs" allowance of \$90 pursuant to a regulation which allows a \$90 maximum payment to recipients whose monthly housing needs are actually higher than the housing allowance. WAM 2245.23. At that point, the petitioner was receiving the maximum possible grant for housing for the month of December, 1999. Even if her storage unit and motor home expenses were included in the definition of housing allowance (which they clearly are not), the petitioner had already received the maximum "housing allowance" for that month. The Department's calculation of her income was in accordance with the regulations for that month.

The Department recalculated the petitioner's ANFC grant for January of 2000 because her housing expenses had gone down. She no longer received the \$90 "special needs allowance" because her new rent was less than \$375 per month. She continued to receive the full shelter allowance of \$375 per

month because the regulations require that recipients in subsidized housing receive the maximum shelter allowance regardless of their actual out of pocket expenditure. WAM 2245.33. In addition, the Department counted the \$30 utility subsidy as unearned income to the family as it is required to do by its regulations. WAM 2252F. Again, the petitioner received the maximum allowance for housing she could for the month of January 2000, so her request for additional allowances for moving-related expenses in her "housing allowance" cannot be honored. Again, expenses for storage units and operation expenses for the motor home could not have been paid under the provision of the "special needs" section in January of 2000 because that section defines "housing expense" the same way as the "housing allowance" section does. At such it will not cover rental of any items except houses, apartments and lots nor will it cover operational expense of a motor home used to move articles. WAM 2245.23 and WAM 2245.3.

The petitioner has also protested the reduction of her Food Stamps in January of 2000 based on a reduction in her housing and utility costs. The Food Stamp program allows a deduction for housing and utility expenses to the extent that they are in excess of 50% of the recipient's net (after certain other expenses are deducted) income up to a maximum of

\$275. FSM 273.9d (5)(i) and P-2590A. Because the petitioner had such excessive housing costs in December of 1999, she received the maximum allowable. However, when she moved to a subsidized housing unit in late December of 1999 she no longer had such large expenses. Unlike the ANFC program, the Food Stamp program does not allow retention of the maximum fuel allowance amount for publicly subsidized renters. Those renters are only allowed to claim amounts actually spent for housing. For the petitioner the actual amount by late December was \$151 per month. FSM 273.9d (5)(i). To this amount is added a "standard utility allowance" for persons whose heat is included in their rent of \$124 per month. FSM 273.9d(6), P-2590A(5). These two amounts added together equal \$275 per month. The petitioner's countable net income per month was \$542. The amount of her housing and fuel costs which was in excess of 50% of her countable income was \$4.00. That is the amount that was used by the Department as the petitioner's "excess shelter deduction" for Food Stamps and the calculations of that figure is in accordance with the regulations.

Amounts spent by the petitioner to obtain a storage unit and operate the borrowed motor home cannot be considered shelter expenses under the Food Stamp regulations. Those

regulations specifically limit shelter deductions to charges for shelter; property taxes; the cost of heating and cooking fuel, cooling, electricity, water and sewerage, garbage, trash collection and a telephone in the home; and charges for the repair of the home due to substantial damage from a natural disaster. FSM 273.9d(5). Shelter costs are further specifically defined as "charges for the shelter occupied by the household, including rent, mortgage, or other continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments." FSM 273.9d (5)(i)(A). The extra charges which may have been a part of the moving process for the petitioner during January of 2000(the storage facility and the motor home) cannot be considered shelter costs and deducted under the Food Stamp program.

It must be concluded that the petitioner was awarded all of the deductions to which she was entitled for her shelter expenses in the Food Stamp program and was provided with the maximum possible shelter amounts in the ANFC program. Therefore, the decision of the Department should be upheld.

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